

PUBLIC VERSION

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Attorneys for Plaintiff
VERIGY US, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation,

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF COLIN G.
MCCARTHY IN SUPPORT OF VERIGY'S
MOTION TO COMPEL DISCOVERY
REQUESTS FROM STS, INC. IN
RESPONSE TO 2ND INTERROGATORIES
and 1ST SET OF REQUESTS FOR
ADMISSION**

Date: October 21, 2008
Time: 10 a.m.
Ct. Room: 2, 5th Floor
Judge: Hon. Howard R. Lloyd

Complaint Filed: August 22, 2007
Trial Date: None Set

AND RELATED CROSS-ACTIONS

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CONFIDENTIAL DOCUMENT - SUBMITTED UNDER SEAL

1 I, Colin G. McCarthy, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of
3 California. I am an associate in the law firm of Bergeson, LLP, counsel of record for plaintiff
4 Verigy US, Inc. ("Verigy") in the above-captioned action. I have personal knowledge of the
5 facts set forth in this declaration, and, if called to do so, I could and would competently testify
6 thereto. I submit this declaration in support of Verigy's Motion To Compel Discovery Requests
7 From Sts, Inc. in Response to 2nd Interrogatories.

8 2. Plaintiff Verigy has propounded various requests for discovery and STS, Inc. has
9 failed and refused to provide responses to 23(b) - 32 of the 2nd Set of Interrogatories
10 propounded by Verigy to STS, Inc.

11 3. Attached hereto and incorporated herein by reference as **Exhibit A** is a true and
12 correct copy of Verigy's second set of interrogatories to Defendants.

13 4. I met and conferred by telephone with Tim Hale on September 9, 2008, regarding
14 Defendants' response to Verigy's second set of interrogatories to Defendants. I had initially planned
15 to discuss these interrogatories with Mr. Hale on September 4, 2008, but he deferred. Defendants
16 refused to confirm, on September 9, 2008, that they would respond to Interrogatories 23(b) - 32 and
17 stood on their subpart objections, although they agreed to revisit the issue. Mr. Hale had not advised
18 if they would withdraw the objections by the deadline to file this motion.

19 5. Attached hereto and incorporated herein by reference as **Exhibit B** is a true
20 and correct copy of STS, Inc's responses and objections to Verigy's 2nd Set of Interrogatories.

21 6. Defendants have also failed to provide responses to Requests for Admissions
22 ("RFAs") Nos. 27-42 of the 1st Set of RFAs propounded by Verigy to STS, Inc. Mr. Hale
23 agreed in the meet and confer discussion of September 5, 2008 that Defendants would respond
24 to these requests, but they had not done so by the deadline to file this motion.

25 7. Attached hereto and incorporated herein by reference as **Exhibit C** is a true and
26 correct copy of Verigy's first set of RFAs to Romi Mayder.

27 8. Attached hereto and incorporated herein by reference as **Exhibit D** is a true and
28 correct copy of Romi Mayder's responses to the first set of RFAs from Verigy.

EXHIBIT A

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EXHIBIT B

**HIGHLY
CONFIDENTIAL**

**ATTORNEYS'
EYES ONLY**

FILED UNDER SEAL

EXHIBIT C

CONFIDENTIAL

FILED UNDER SEAL

EXHIBIT D

CONFIDENTIAL

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